S.B.Cr.Misc. II Bail App. No. 4853/2007

(Rakesh Kumar Vs. State of Rajasthan)

Date of order : 27/09/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. M.K.Garg, for the petitioner.

Mr. Ashok Upadhyay, Public Prosecutor.

This is second bail application filed by the petitioner.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the statements of prosecution witnesses recorded by the trial court as also the challan papers.

Learned counsel for the petitioner submits that the mother and other independent witnesses listed in the calender of witnesses at serial No.3,4,6,8 & 9 have been left out by the prosecution which is evident from the order sheet of the trial court dated 19.9.07. The other material witnesses have already been examined by the trial court and have not supported the prosecution case.

I have carefully gone through the statements of PW-1 Bachnaram, father of the deceased, PW-2 Madanlal maternal-uncle of the deceased and PW-3 Ramnath Singh cousin of the deceased. None of these witnesses supported the prosecution case and have turned hostile.

Looking to the facts and circumstances of the case and the fact that the prosecution witnesses have not supported the prosecution case, having considered the oral arguments advanced by both the

parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Rakesh Kumar S/o Banshi Lal, be released on bail in FIR No. 85/2006 P.S. Mahila Thana, Sri Ganganagar, provided he executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP